

REMARKS

Applicants respectfully request that the Examiner enter this Amendment After Final Action under 37 C.F.R. § 1.116 and reconsider the application as amended for allowance. Applicant respectfully submits that the above amendments place the claims in condition for allowance and/or in better condition for appeal. The following remarks are responsive to the Final Office Action mailed April 21, 2006.

As a preliminary matter, in the Final Office Action mailed April 21, 2006, the Examiner did not attach an initialed copy of the PTO-1449 form references that were mailed to the PTO on January 19, 2006 and April 4, 2006. The Examiner also did not indicate the references on said PTO-1449 form were not in conformance with MPEP 609. As such, applicants respectfully request that the Examiner indicate that these references have been considered and made of record.

Office Action Rejections Summary

Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42-43 and 45-48 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2001/0044840 of Carleton et al. ("Carleton").

Status of Claims

Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42, 43 and 45-46 and 48 are pending in the application. Claim 30 has been amended to more properly define a preexisting claim limitation. Claim 7 has been amended to include the limitation of claim 47. The amended claims are supported by the specification. Claim 47 has been canceled by this amendment. No claims have been added. No new matter has been added.

Claim Rejections

Claims 1-7, 9-14, 16-18, 20-24, 26-28, 30-33, 42-43 and 45-48 have been rejected under 35 U.S.C. §102(e) as being anticipated by Carleton. In response to Applicant's argument in regards to claim 1, the Office Action states:

As per applicant's argument that the reference Carleton does not teach an internal parameter of the host system as recited in Claim 1, Applicant is directed to line 2 of paragraph 0050. In this paragraph, the reference teaches that the "monitoring software located on the client server 22 collects status and statistics about device operation in the client network." According to the specification of the current application, on page 7, line 16, statistics of the device are considered parameters of the host. Also, on page 7 of the specification, the application states that a state change is also considered a parameter of the host. The reference Carleton teaches monitoring state change in paragraph 0054.

(Office Action, 4/21/06, page10).

It appears that the Examiner is improperly resorting to the specification of the present application to define the terms and disclosure of the cited Carlton reference. It is submitted that such an action is improper and inapposite to determining the disclosure of a cited reference. It is submitted that the Examiner must look to what is described in the Carlton reference, itself, for determining the disclosure of Carlton. The Examiner is respectfully reminded that a patentee such as Carlton may be its own lexicographer.

The line 2, paragraph 0050 passage cited to by the Examiner discloses the monitoring software located on client server 22 collects "status and statistics." It is submitted that such "status and statistics" are described further on in Carlton in paragraphs 0054 and 0072. Paragraphs 0054 and 0072 of Carlton describes the status and statistics to be external items such as an interval of broken communication with a port and response period (See paragraph 0054, lines 4-14) and Polling Period, Retries, Timeout, Backoff (See paragraph 0072, lines 12-30). These "status and statistics" are *external* to computers 26a-26c and are collected by pinging or polling the computers. It is

submitted that client server 22 of Carleton does **not** log into computers 26a-26c and, therefore, does not monitor an internal parameter of computers 26a-26c.

Moreover, in regards to the Examiner's reference to the specification of applicant's present application, the Examiner is respectfully reminded about the prohibition of reading limitations from the specification into the claims and that the specification may describe various different embodiments that may or may not appear in a particular claim. Furthermore, it appears that the Examiner is overlooking a limitation expressly recited in claim 1: that of an "internal" parameter. In contrast to Carleton, claim 1 includes the limitation of "accessing a port of a host system by a satellite system to monitor **an internal** parameter for a predetermined event related to the host system." Nothing in Carleton discloses the above noted claim limitation and, therefore, claim 1 is patentable over Carleton.

It is submitted that claims 2-6, 9-14, 16-18, 42 and 46 are patentable over Carleton because claims 2-6, 9-14, 16-18, 42 and 46 depend from and, therefore, include the limitation of claim 1 noted above.

For reasons similar to those given above in regards to claim 1, it is submitted that claims 26-28 are patentable over the cited reference.

In response to Applicant's argument in regards to claim 20, the Office Action states:

As per applicant's argument regarding claim 20, applicant argues that Carleton does not teach providing at least one of a suggestion of probable cause of the predetermined event and a solution to the occurrence of the predetermined event. However, in paragraph 0084, the reference Carleton teaches that the cause of the alarm is indicated in the report generated by the monitoring system.

(Office Action, 4/21/06, page 11).

Applicants respectfully disagree with the Examiner's characterization of the disclosure of paragraph 0084 of Carleton. Paragraph 0084 is reproduced below:

The monitoring and administration system allows viewing of system information and provides variously formatted reports of status and history within the system. Accessible upon login are a "View Device by Region" screen as exemplified by FIG. 21 and a "View Device by Zone" screen as exemplified by FIG. 22. Each of these screens, which are shown having at least one section expanded, provide a hierarchical view of the respective regions or zones which contain devices defined within the system. Entries within the tree are preferably highlighted in colors to indicate alarm status within the respective zone or region. In FIG. 21, both "Lincoln Plaza" and "Remote Offices" are highlighted to indicate that alarm conditions exist within those regions. In FIG. 22 the headline "Printers" and the specific device "Printer 207.212.77.224" are highlighted to indicate the cause of the current printer alarm. Preferably, the alarm indication at a hierarchical level, such as "Printers" is distinguishable from the indication used for a device, such as "Printer 207.212.77.224" by highlighting in a different color. The described embodiment denotes alarm categories by yellow highlighting and specific devices as pink highlighting

(Carleton, paragraph 0084)(emphasis added)

As can clearly be seen from the above emphasized description, Carlton discloses that the highlighted entries indicate the cause of a current printer "alarm." That is, which one of a group of printers (e.g., as illustrated by the printer IP address 207.212.77.224) caused the alarm. Such is not a cause of the event that happened to the particularly identified (via the alarm) printer in order for the alarmed to have been activated. In other words, the alarm is not the printer event but, rather, an identification of which printer had an event occurrence. It is submitted that Carleton does not disclose providing a suggestion of a probable cause of a predetermined event, as recited in claim 20. Therefore, it is submitted that claim 20, and its dependent claims 21-24 are patentable over Carleton.

In response to Applicant's argument in regards to claim 30, the Office Action states:

As per applicant's argument regarding claim 30, applicant argues that Carleton does not teach configuring a service interleave factor. However, in paragraph 0051, Carleton teaches that the notifications and alarms are sent to various devices and are sent even if the device being monitored is not functioning.

(Office Action, 4/21/06, page 11).

The Examiner asserts that Carleton teaches that the notifications and alarms are sent to various devices and are sent even if the device being monitored is not functioning. For the sake of argument, be that as it may, such does not disclose configuring a service interleave factor. That fact that a notification or alarm is sent to various devices does not, in and of itself, disclose that the notifications are interleaved.

The Examiner cites to paragraph 0051 of Carleton in support of his assertions. Paragraph 0051 of Carleton is reproduced below.

Referring to FIG. 2, the basic interface 70 of the system is shown. The system interface performs the granting of permissions to users for the access and setting of system data and configuration data. A user gains access to the secure server of the monitoring and administration system 74 with a web browser 72 displaying web pages, or by means of an application that provides browser type capabilities. Once authenticated 76, the system permissions 78 and class of the user are determined 80. Illustrated in the flow chart are two classes of users: service users and administration users. It will be appreciated that additional user class distinctions may be utilized for controlling selective access to portions of the system and data contained therein. Service users are provided access through an information display interface 82, while administration users are provided access through an administration interface 84 which provides further information and access to the database 86 so that system settings may be modified. The administrator is preferably provided with direct, real-time, on-the-fly interaction with the database, or databases, and is allowed to modify user information, device settings, port settings, equipment parameters (e.g. such as location), and the business rules for the network. The system monitors each of the network devices which have been defined within the system according to the established business rules

(Carleton, paragraph 0051)(emphasis added)

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It is submitted that nowhere in paragraph 0051 is configuring a service interleave factor described, or even that service checks are interleaved. The above emphasized portion of paragraph 0051 merely discloses that a service user is provided access through an information display interface. However, there is no disclosure that a service user can configure how service checks are interleaved, in particular, because there is no service check interleaving disclosed in the system of Carleton.

It is submitted that claim 30 has been amended to more properly define the preexisting interleave limitation of claim 30. In contrast to Carleton, as amended claim 30 recites "a configuration portal to interface with a satellite system over a communication link and configure a service interleave factor of a host system, wherein the service interleave factor determines how service checks are interleaved." Therefore, it is submitted that claim 30, and its dependent claims 31-33 and 48 are patentable over Carleton.

Claim 7 as amended recites:

A method, comprising:

monitoring a host system for a parameter corresponding to a predetermined event using a satellite system located locally to the host system;

queueing data about the predetermined event collected by the satellite system, wherein queueing the data comprises queueing different types of the data in different ones of multiple queues;

prioritizing a transferring of the queued data from the multiple queues;

transferring the queued data from the host system to a monitoring operations center;

generating, by the monitoring operations center located remotely from the host system, a notification upon an occurrence of the predetermined event to a first person in a hierarchy; and

escalating, by the monitoring operations center, the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period

(emphasis added)

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Claim 7 has been amended to include the limitation of claim 47. In regards to claim 47, the Office Action states:

As per claim 47, Carleton teaches the method of claim 7, wherein the queuing the data comprises queuing different types of data in different ones of multiple queues and wherein the method further comprises prioritizing the transferring of the queued data from the multiple queues (p 0075-0076).

(Office Action, 4/21/06, page 10).

Applicant respectfully disagrees with the Office Action's assertion and characterization of Carleton. Paragraphs 0075-0076 of Carleton are reproduced below:

The current alarm status screen of FIG. 12 opens when the link "View Current Alarms" is selected from the home page. The alarm status screen for a device within the system preferably comprises a port selection grid, device information, device alarms, and ping related information, such as ping response graphs from the device. The current status is delivered in real-time by the system so that the user or administrator can monitor actual status and keep updated on changes. The user may select a port number within the grid at the top of FIG. 12, numbered from "01" to "60" to select a port for which additional information is desired. Upon selecting a port, the graphs of FIG. 13 are displayed. The graphs are "InOctet" and "OutOctet" traffic graphs for the particular port. The graphs preferably span an interval of a month (upper graph), and a year (lower graph). The graphs depict the level of port activity over the span of time specified. Referring again to FIG. 12, if any current alarms exist within a device, they are displayed in a block of "Current Alarms" which provide information about the specific alarm. The port number generating the alarm is specified in a "Port" field and the send time of the most recent notification on the alarm is provided in a "Last Alerted" field. A "Ping Status" field indicates if the selected device is responding to the pings. An "Admin Status" field indicates how the device is configured comprising the states of "Up", "Down", "Test", "NA" (not applicable). An "OP Status" field denotes if the device is responding to the SNMP agent, with the possible states being given as "Up", "Down", "Test", or "NA". A "Level" field indicates the escalation level for the alarm, while a "Status" field displays the current status of the device, such as "Alarm", "Cleartime", and "Acknowledge".

Devices on the network may be organized by either "Zones" or "Regions". Using regions, the devices are organized by geographical region, while zones provide organization by type of device, such as routers, switches, servers, and so forth. An administrator typically defines the regions and the hierarchy of devices being monitored within the system. Regions are generally defined as actual geographical or physical locations under which a series of locations and devices may be contained. For example, the names and numbers of buildings may be employed at one level of the hierarchy, while building floors or rooms may be utilized subordinate to that level in the hierarchy, and a series of devices further subordinated thereunder. A similar hierarchy of device types may be organized by zone. FIG. 14 illustrates a "Manage Regions Tree" screen which contains triangular icons that are manipulated for controlling tree expansion and contraction. Clicking on a horizontal arrow causes the selected device level to be expanded and the arrow to subsequently face downward. Clicking on a downward arrow causes contraction.

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of the tree again. Selecting the collapse all button causes all the hierarchical levels within the screen to contract to a highest level state. New devices are entered within the present embodiment by default to the category "Global" until they are organized into a desired region or zone with the device editor. The "Manage Region Tree" screen of FIG. 14 additionally appears upon the submission of a new device for monitoring. The region tree displays the devices by region and allows the definition of new regions and the moving of regions to new destinations. Additionally, the user may toggle to the "View Zone Tree" screen of FIG. 15, by clicking on the "View by Zone" button. The zone tree is shown partially expanded as the result of the user clicking the arrow for the "misc." zone to expand that portion of the hierarchy. A similar expansion of nested levels may be performed within the regions of the "View Region Tree" of FIG. 14. Table 3 and Table 4 list the functions of each button and field link within the view trees of FIG. 14 and FIG. 15, respectively.

(Carleton, paragraphs 0075-0076)

It is submitted that nowhere in the above noted passage is there any disclosure of multiple queues or prioritizing the transfer of queue data from multiple queues. If the Examiner continues to purported that such is disclosed by Carleton, the Examiner is requested to more specifically pointed out where in paragraphs 0075-0076 such is disclosed along with a corresponding analysis.

Therefore, it is submitted that claim 7, and its dependent claim 43 is patentable over Carleton.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

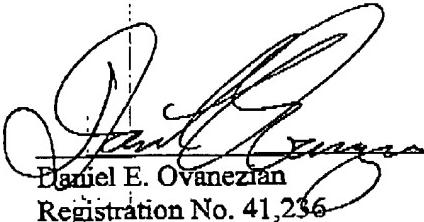
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If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5/15, 2006

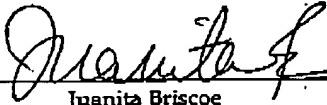

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By


Juanita Briscoe

5/15/06
Date

Application No.: 09/703,329

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Attorney Docket No.: 005220.P002